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SENATE BILL 172

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Carlos R. Cisneros

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO WATER; CREATING THE INDIAN WATER RIGHTS SETTLEMENT
FUND; PROVIDING FOR LEGISLATIVE APPROVAL OF CERTAIN INDIAN
WATER RIGHTS SETTLEMENTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. INDIAN WATER RIGHTS SETTLEMENTS-- APPROVAL OF
SETTLEMENTS-- REPORTS. --

A. Upon congressional funding of the federal
government's portion of the costs of an Indian water rights
settlement, the state engineer shall notify the legislature of
the amount of the state's portion of the costs necessary to
implement the settlement. Upon approval of a settlement by
joint resolution of the legislature, the interstate stream
commission may expend money in the Indian water rights
settlement fund to implement the terms of the approved

underscored material = new
[bracketed material] = delete

1 settlement.

2 B. On or before November 15 of each year, the state
3 engineer and the interstate stream commission shall report to
4 the appropriate legislative interim committee dealing with
5 Indian affairs and to the legislative finance committee on:

6 (1) the status of proposed Indian water rights
7 settlements requiring state financing;

8 (2) the distribution of funds from the Indian
9 water rights settlement fund to implement approved settlements;
10 and

11 (3) recommendations on the level of funding
12 for the Indian water rights settlement fund necessary to timely
13 implement Indian water rights settlements.

14 C. As used in this section:

15 (1) "Indian water rights settlement" means an
16 agreement between the state and a tribe, but not exclusive of
17 any other party as appropriate, that resolves all of the
18 tribe's water rights claims and that has been approved by the
19 United States congress; and

20 (2) "tribe" means a federally recognized
21 Indian nation, tribe or pueblo.

22 Section 2. INDIAN WATER RIGHTS SETTLEMENT FUND. --The
23 "Indian water rights settlement fund" is created in the state
24 treasury to facilitate the implementation of the state's
25 portion of Indian water rights settlements. The fund consists

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1 of appropriations, gifts, grants, donations, income from
2 investment of the fund and money otherwise accruing to the
3 fund. Money in the fund shall not revert to any other fund at
4 the end of a fiscal year. Money in the Indian water rights
5 settlement fund shall be used to pay the state's portion of the
6 costs necessary to implement Indian water rights settlements
7 that have been approved by the legislature and the United
8 States congress. The interstate stream commission shall
9 administer the fund and money in the fund is appropriated to
10 the commission to carry out the purposes of the fund. Money in
11 the fund shall be disbursed on warrants of the secretary of
12 finance and administration pursuant to vouchers signed by an
13 authorized representative of the interstate stream commission.

14 Section 3. EFFECTIVE DATE. --The effective date of the
15 provisions of this act is July 1, 2005.

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